

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES—GENERAL

Case No. CV 25-5397-MWF(AJR)

Date: July 15, 2025

Title: *Angel Garcia v. Moras Plywood and Hardware, Inc., et al.*

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:

Rita Sanchez

Court Reporter:

Not Reported

Attorneys Present for Plaintiff:

None Present

Attorneys Present for Defendant:

None Present

Proceedings (In Chambers): ORDER DISMISSING ACTION WITHOUT PREJUDICE; ENTRY OF JUDGMENT

On June 13, 2025, Plaintiff Angel Garcia commenced this action against Defendants Moras Plywood and Hardware, Inc. and Irma Gonzalez (Complaint (Docket No. 1)). On June 20, 2025, the Court issued an Order to Show Cause Re Supplemental Jurisdiction. (OSC (Docket No. 10)). The OSC required a response no later than July 7, 2025.

As of July 14, 2025, Plaintiff has not filed a response to the OSC. The OSC specifically states: “The Response shall be filed on or before JULY 7, 2025. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice”

It is well-established that a district court has authority to dismiss a plaintiff’s action due to her failure to prosecute and/or to comply with court orders. *See Fed. R. Civ. P. 41(b); Link v. Wabash Railroad Co.*, 370 U.S. 626, 629–30 (1962) (noting that district court’s authority to dismiss for lack of prosecution is necessary to prevent undue delays in the disposition of pending cases and avoid congestion in district court calendars); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (stating that district court may dismiss action for failure to comply with any order of the court).

Before ordering dismissal, the Court must consider five factors: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to Defendant; (4) the public policy favoring the

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disposition of cases on their merits; and (5) the availability of less drastic sanctions. *See In re Eisen*, 31 F.3d 1447, 1451 (9th Cir. 1994) (failure to prosecute); *Ferdik*, 963 F.2d at 1260–61 (failure to comply with court orders).

Taking all of these factors into account, dismissal for lack of prosecution is warranted. Plaintiff was specifically warned that failure to timely respond to the OSC may, without further warning, result in the dismissal of the entire action without prejudice. Accordingly, the action is **DISMISSED without prejudice**.

IT IS SO ORDERED.

This Order shall constitute notice of entry of judgment pursuant to Federal Rule of Civil Procedure 58. Pursuant to Local Rule 58-6, the Court **ORDERS** the Clerk to treat this Order, and its entry on the docket, as an entry of judgment.